AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILED

DEC - 5 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America
v.

Noe GONZALEZ US,1997;Celin Javier MONTOYA US,1993; Anthony OZUNA US,1995;Alfredo RIVERA US,1992;Jonathan Jesus SANCHEZ-Torres MX,1997;Pedro VEGA US: 1976

Defendant(s)

Case No. M-16-2198-M

SEALED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/5/16 through 12/5/16 in the county of Hidalgo in the Southern District of Texas, the defendant(s) violated:

Code Section	*Offense Description*
26 USC 5861(d)	To receive or possess a destructive device (firearm) as defined under 26 USC 5845(a)(8) and (f) which is not registered in the National Firearms Registration and Transfer Record;
18 USC 2(a)	To commit an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principle.

This criminal complaint is based on these facts:

See Attachment A

☑ Continued on the attached sheet.

Approved by AUSA D. Paxton 12/5/16

Complainant's signature

Steven Medrano, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: December 5, 2016 3:31 pm

Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I, Special Agent Steven Medrano, affiant, do hereby depose and state the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since 2010. My duties include the investigation of violations of federal firearms laws. I know it to be unlawful to receive or possess a destructive device (firearm) as defined under 26 U.S.C. 5845(a)(8) and (f) which is not registered in the National Firearms Registration and Transfer Record.

2. On November 3, 2016, ATF agents received information from an ATF confidential informant (hereinafter referred to as "CI") about several individuals attempting to sell grenades.

3. On November 5, 2016, an ATF undercover agent (hereinafter referred to as "UC1") and a confidential source (hereinafter referred to as "CS") made contact with Alfredo RIVERA (hereinafter referred to as "RIVERA") via telephone and negotiated the purchase of ten grenades for $450 each. Later that day, at approximately 6:30 PM, UC1 and CS traveled to 651 East Trenton Rd. Edinburg, TX 78539. UC1 and CS made contact with RIVERA and Anthony OZUNA (hereinafter referred to as "OZUNA") and asked about the grenades for sale. UC1 and CS were instructed by RIVERA and OZUNA to follow them to 5125 South Alamo Road Edinburg, Texas 78542 to meet with a third individual who was selling the grenades. Upon arriving at the location, RIVERA and OZUNA introduced UC1 and CS to Celin Javier MONTOYA (hereinafter referred to as "MONTOYA"). MONTOYA stated that the person who had the grenades was on his way.

4. A short time later, RIVERA, OZUNA, and MONOTYA introduced UC1 and CS to Pedro VEGA (hereinafter referred to as "VEGA") when VEGA arrived at the location. VEGA showed the ten grenades to UC1. UC1 purchased the ten grenades for a total of $4,500.00 and took possession of the grenades. Before departing, UC1 was informed that there were thirty-seven (37) grenades left and available for purchase if UC1 was interested. UC1 then negotiated with VEGA for the purchase of the remaining 37 grenades for $400 each.

5. On November 6, 2016 at approximately 11:40 AM, UC1 was contacted by RIVERA via telephone and informed that the grenades were ready for purchase. At approximately 6:00 PM, UC1 and another undercover ATF agent (hereinafter referred to as UC2) traveled to 5125 South Alamo Road Edinburg, Texas 78542. A short time later, RIVERA and OZUNA arrive at 5125 South Alamo Road and met with UC1 and UC2. Shortly thereafter, MONTOYA arrived at the same location and informed UC1 and UC2 that VEGA was on his way with the grenades. Upon VEGA's arrival, he showed UC1 and UC2 eleven (11) grenades and informed them that the remaining twenty-six (26) grenades would not be available until the next day. UC1 and UC2 then purchased the 11 grenades for a total of $4,400.00 and took possession of the grenades. Before departing, UC1 and UC2 negotiated with VEGA for the purchase of the remaining twenty-six grenades the next day.

6. On November 7, 2016, UC1 was contacted by MONTOYA via telephone and informed that the grenades were ready for purchase. At approximately 7:00 PM, UC1 and UC2 traveled to

1421 Frontage Road Alamo, Texas 78516 and met with MONTOYA. A short time later, VEGA arrived and made contact with UC1 and UC2. VEGA showed UC1 and UC2 twenty (20) grenades and informed them that the remaining six (6) would not be available until the next day. UC1 and UC2 then purchased the 20 grenades for a total of $8,000.00. During this purchase, VEGA told UC1 and UC2 that the person who provides him with the grenades is "el chamaco" (translated into English as "the kid") named "Jonathan" who lives south of 83 Business. VEGA stated that Jonathan also has body armor available for purchase. VEGA then showed UC1 and UC2 a picture on his cellular telephone of body armor. UC1 and UC2 noticed above the picture of the body armor was the name "Jonathan" with the phone number of "956-510-XXXX" (the last four digits could not be recalled). Before departing, UC1 and UC2 negotiated to purchase the remaining six (6) grenades the next day.

7. On November 9, 2016, UC1 was contacted by MONTOYA via telephone and informed that the grenades were ready for purchase. At approximately 10:00 PM, UC1 and UC2 traveled to 4011 N. Veterans Boulevard San Juan, Texas 78577. A short time later, MONTOYA arrived and made contact with UC1 and UC2. MONTOYA told UC1 and UC2 that he only had four (4) grenades and not the six they had agreed to purchase. MONTOYA then showed UC1 and UC2 the four grenades. UC1 and UC2 then purchased the four grenades for a total of $1,600 and took possession of the grenades.

1. Before departing, MONTOYA informed UC1 and UC2 that a new order of grenades had been placed and would be available in one to two weeks. MONTOYA then offered UC1 and UC2 the opportunity to purchase more grenades. MONTOYA requested that UC1 and UC2 wait to place their order until MONTOYA could contact his supplier and determine how many grenades would be in the next shipment.

8. On November 11, 2016, at approximately 12:00 PM, MONTOYA contacted UC1 via text and informed him that the pineapple grenades would be ready for purchase in 1 to 2 weeks.

9. A review of VEGA's detailed telephone call logs revealed that there were several calls and text messages between VEGA's telephone and the telephone number 956-510-1544 between November 3, 2016, and November 9, 2016, with a significant spike in activity between the two telephone numbers on the dates that UC1 and UC2 purchased grenades. ATF learned that the cellular telephone with phone number 956-510-1544 was being utilized by Jonathan Jesus SANCHEZ-Torres (hereinafter referred to as "SANCHEZ"). Further investigation of SANCHEZ revealed that he is 19 years of age and resides with his girlfriend in an apartment south of Business Highway 83.

10. On November 23, 2016, UC1 contacted MONTOYA via text, inquiring about two body armor vests that VEGA had previously mentioned were for sale.

11. On November 25, 2016, MONTOYA sent UC1 a photograph of 2 body armor vests via text, and stated that the vests were available for $500 each.

12. On November 26, 2016, ATF agents conducted surveillance on VEGA and SANCHEZ. ATF agents observed VEGA meeting with SANCHEZ at a location in Alamo, Texas. UC1

was contacted by MONTOYA immediately after the meeting between VEGA and SANCHEZ. MONTOYA told UC1 that the body armor was ready for purchase. At approximately 8:20 PM, UC1 and UC2 then traveled to 5504 TX-107 Edinburg, TX 78573. MONTOYA and VEGA arrived at the location and made contact with UC1 and UC2. MONTOYA and VEGA showed UC1 and UC2 the two pieces of body armor and restated that they got the body armor from Jonathan, the same person they get the grenades from. UC1 and UC2 purchased the two body armor vests for a total of $1,000.00 and took possession of the vests.

13. Before departing, VEGA informed UC1 and UC2 that the grenades UC1 and UC2 ordered on November 9, 2016, should be ready soon.

14. On November 28, 2016, ATF agents learned that Noe GONZALEZ (hereinafter referred to as "GONZALEZ") has been purchasing grenade hulls and having them shipped to his residence located at 1501 Washingtonia Palm Ave in San Juan, Texas, since March 2016. ATF agents also learned that when GONZALEZ placed his orders for the grenades and spring kits, he provided his cellular telephone number 956-354-6525 as a contact number. On March 3, 2016, GONZALEZ purchased 12 pineapple grenades. On July 15, 2016, GONZALEZ purchased 15 baseball grenades and 15 spring kits. On September 14, 2016, GONZALEZ purchased 50 baseball grenades. On March 4, 2016, GONZALEZ purchased 50 feet of American Visco Cannon Fuse (green). On September 14, 2016, GONZALEZ purchased 50 feet of American Visco Cannon Fuse (RWB). On July 18, 2016, GONZALEZ purchased 100 shot shell primers and a 16-ounce bottle of Pyrodex Powder. All these components are consistent with the components in the grenades being purchased by UC1 and UC2. On November 17, 2016, GONZALEZ placed an order for 24 pineapple grenades and 25 spring kits and is to be shipped to his residence.

15. GONZALEZ has been seen with SANCHEZ on numerous occasions by ATF agents. ATF agents have seen SANCHEZ pick up GONZALEZ at 1501 Washingtonia Palm Avenue in San Juan, Texas several times in the past two weeks. ATF agents learned cellular telephone number 956-354-6525 is being utilized by GONZALEZ. A review of SANCHEZ' detailed telephone call logs between November 5, 2016 through November 9, 2016, revealed that there were a total of 190 contacts between SANCHEZ and cellular telephone number 956-354-6525 utilized by GONZALEZ. Call logs also revealed that between November 11, 2016 through November 26, 2016, there was a total of 76 contacts between SANCHEZ and cellular telephone number 956-354-6525. ATF agents learned GONZALEZ had previously purchased grenades and had them shipped to his residence located at 1501 Washingtonia Palm Ave in San Juan, Texas. ATF agents also learned that when GONZALEZ placed his orders for the grenades and spring kits, he provided his cellular telephone number 956-354-6525 as a contact number. On March 3, 2016, GONZALEZ purchased 12 pineapple grenades. On July 15, 2016, GONZALEZ purchased 15 baseball grenades and 15 spring kits. On September 14, 2016, GONZALEZ purchased 50 baseball grenades. ATF agents also learned that on March 4, 2016, GONZALEZ purchased 50 feet of American Visco Cannon Fuse (green). On September 14, 2016, GONZALEZ purchased 50 feet of American Visco Cannon Fuse (RWB). On July 18, 2016, GONZALEZ purchased 100 shot shell primers and a 16-ounce bottle of Pyrodex Powder. All of these components are consistent

with the components in the grenades being purchased by UC1 and UC2. Furthermore, ATF agents learned that on November 17, 2016, GONZALEZ placed an order for 24 pineapple grenades and 25 spring kits and is to be shipped to his residence.

16. On November 6, 2016 ATF Certified Explosives Specialist (CES) Cesar Zambrano and members of the McAllen, Texas Police Department Bomb Squad disassembled one of the improvised hand grenades purchased by ATF agents and examined its components. CES Zambrano observed that the improvised hand grenade body consisted of a baseball-sized metal container filled with suspected black powder and steal bearing balls. The device also contained a military grenade fuse that had been modified to accept a length of pyrotechnic fuse and an ammunition percussion primer. CES Zambrano conducted a test burn of a sample of the suspected black powder which ignited when exposed to a flame. CES Zambrano also conducted a similar test burn of section of the pyrotechnic fuse which also ignited when exposed to flame. Based on CES Zambrano's preliminary examination and testing of the components, the improvised hand grenade meets the definition of a destructive device as defined by 26 U.S.C. 5845(f).

17. ATF Explosives Enforcement Officer Johnnie Green examined photographs of the disassembled seized grenades in this case. Further EEO Green received information from CES Zambrano that an Ignition susceptibility test, IST, was performed on the powder recovered from the disassembled grenade and the powder ignited which is consistent with a low explosive powder. Based on this information EEO Green determined that the seized grenades in this case are explosive weapons as defined in 26 USC 5845(f). Commonly referred to as re fabricated hand grenades.

18. A query of the National Firearms Registration and Transfer Record for Celin Javier MONTOYA, Pedro VEGA, Alfredo RIVERA, Anthony OZUNA, Jonathan Jesus SANCHEZ-Torres, and Noe GONZALEZ produced negative results.

Steven Medrano
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives